

The Examiner set forth a restriction requirement requiring the Applicants to select a single set of claims for examination purposes from the following:

- I. Claims 1-9, and 11-18, drawn to a process and apparatus for distributing liquid, classified in class 261, subclass 97.
- II. Claim 10, drawn to a cryogenic air separation process, classified in class 62, subclass 121.
- III. Claims 19 and 20, drawn to a method of assembly, classified in class 29, subclass 428.

Applicants provisionally elect claims 1-9 and 11-18. Applicants' provisional election is made with traverse.

The Examiner also concluded that there are five (5) patentably distinct species of the claimed invention, as follows:

Species A: Fig. 5;

Species B: Figs. 6A, 6B;

Species C: Fig. 6C;

Species D: Figs. 7A, 7B; and

Species E: Fig. 8.

The Examiner stated that claims 1, 11, and 19 appear to be generic, and required Applicants to select a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants provisionally elect a species of the invention which the Examiner identified as Species B: Figs. 6A, 6B. The claims readable thereon are species claims 2, 4, 5, 6, 12, 14, 15 and

16, and generic claims 1 and 11.

Applicants' provisional election of a single disclosed species is made without traverse. However, as previously indicated, Applicants' provisional election of claims 1-9 and 11-18 is made with traverse, and Applicants' request reconsideration of that aspect of the restriction requirement for the reasons discussed below.

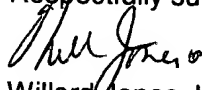
Applicants' respectfully submit that the requirement for restriction of the present application is improper and fails to meet the requirements of 35 U.S.C. §121 and the implementing rules and procedures issued thereunder. Moreover, there will be no serious burden on the Patent Office to examine all of the claims in Applicants' application.

Claims 19 and 20 are drawn to a method for assembling a distributor for distributing a liquid, while claims 1-9 and 11-18 are drawn to a method and an apparatus for distributing a liquid. However, the claimed method for assembling in claims 19 and 20 has the same elements and limitations as the apparatus in generic claim 1. Similarly, claim 10, which claims a process for cryogenic air separation wherein liquid is distributed to a packing by an apparatus as in claim 1, has the same elements and limitations as the apparatus in generic claim 1. There would be no serious burden on the Examiner to conduct a search and examination with regard to claims 10, 19 and 20, as the subject matter in those claims is closely related to the subject matter in claim 1 and the other pending claims. Therefore, the Examiner should examine claims 10 and 19, as well as dependent claim 20, which depends from claim 19. See MPEP 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.")

Accordingly, Applicants respectfully request that the requirement of restriction be withdrawn, and that all the claims of the application, claims 1-20, inclusive, be examined on the merits.

Should the Examiner believe that anything is desirable in order to place the present application in a better condition for examination and allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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